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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN THE MATTER OF

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) PRIVATE RADIO DOCKET 92-79
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AMENDMENT OF PART 90 OF THE
COMMISSION'S RULES TO ELIMINATE
SEPARATE LICENSING OF END USERS
OF SPECIALIZED MOBILE RADIO
SYSTEMS)
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ORIGINAL
FILE

TO: THE COMMISSION

COMMENTS OF
THE E. F. JOHNSON COMPANY

Richard F. Feser
Director, Regulatory Affairs

Robert M. Beckmann

Robert M. Beckmann
Vice President, Marketing &
Engineering



E. F. Johnson Company ("Johnson") is pleased to submit comments on the proposal set forth by the Federal Communications Commission ("FCC") in the Notice Of Proposed Rule Making released May 5, 1992.

We feel that this docket is of great importance to the communications community and is worthy of the actions taken by the Commission.

Comments on Proposal #1

After review of the proposals set forth by the Commission, Johnson concludes that elimination of the separate licensing procedure of end users of Specialized Mobile Radio Systems ("SMR") is in the best interests of the general public and the dealers of the Johnson. While we have some concern about the loss of the revenue generated by the license applications, we feel that the savings in Commission resources will far exceed the money lost. Concurrently, the public would appear to be best served by the savings in time and money that the dealers and their customers, the end-users of the radio systems, would realize.

Of course, the appropriate SMR licensee would be responsible for the operational control of all mobiles and control stations on their system. Such responsibility currently is implicit; we believe that the standard has been set by those licensees with licenses in their names and are responsible for all users on their systems. From all reports, there are very few problems associated with such operations. Thus, we believe that a similar operation in the SMR industry would not create any administrative or enforcement problems.

Owners/operators of SMR systems are also (if not in fact, in theory and reality) responsible for compliance with all applicable FCC rules and regulations. While Johnson has some reservations about tower responsibility, this forum does not appear to be the appropriate place to address those concerns. We concur with the Commission's comments that with this deregulation, more responsibility will be placed on the SMR operator.

An appropriate checklist for the Commission to incorporate in its rules to assist the SMR base station licensee in ensuring lawful customer eligibility should include the following:

1. A clear statement of eligibility for users to be added to the licensee's system.
2. Delivery to the new user of the rules regarding permissible, emergency and civil defense communications as defined in Section 90.405, 90-406 and 90-411.
3. Delivery to the new user of the rules regarding prohibited uses as defined in Section 90-415.

Comments on Proposal #2

The suggestion that the Commission is proposing to eliminate loading reporting requirements is exciting to us. Johnson believes that there is no longer a need for loading records.

For the SMR operator to apply for additional channels, a list of the customers names, addresses and telephone numbers with the average count of mobiles and control stations associated with each customer should be certified by the owner/licensee. Verification, if needed, can be and should be performed by the Commission and its enforcement operations. Obviously, if information supplied does not meet the requirements of the Commission, appropriate penalties should be imposed.

Comments on Proposal #3

Exempting licensees of trunked SMR systems from the requirement to file applications for license modifications when the number or location of control or mobile transmitters is changed is consistent with the elimination of end-user licensing and loading reporting as proposed above. Continuing the specified Section 90-135(a)(5) requirement would add an unnecessary burden on the dealer and continue the burden on the Commission that this Notice of Proposed Rule Making is intended to reduce or eliminate.